

**IN THE UNITED STATES DISTRICT COURT IN AND FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO.: 3:25-cv-2**

LINDA CORBETT,

Plaintiff,

v.

DOLLAR TREE STORES, INC.,

Defendant.

**DEFENDANT’S NOTICE OF
REMOVAL**

Without waiving any defenses, pursuant to 28 U.S.C. § 1441, Dollar Tree Stores, Inc., (hereinafter “Dollar Tree” and/or “Defendant”), by and through its counsel of record, Michael S. Litrenta, of Segal McCambridge Singer & Mahoney, Ltd., gives notice of the removal of this case from the Superior Court of Mecklenburg County, North Carolina, to the United States District Court for the Western District of North Carolina, Charlotte Division, pursuant to 28 U.S.C. §§ 1332(a), 1441, and 1446. As set forth below, this Court has original diversity jurisdiction pursuant to 28 U.S.C. § 1332. All requirements for removal of this action have been met.

In support thereof, Defendant respectfully shows unto the Court as follows:

1. On or about November 19, 2024, Plaintiff filed her Summons and Complaint in the Superior Court for Mecklenburg County, North Carolina, entitled *Linda Corbett v. Dollar Tree Stores, Inc., Civil Action No.: 24CV053914-590* (the “State Court Action”), which is incorporated herein, as if set forth in full. A true and correct copy of Plaintiff’s

Summons and Complaint is attached hereto as **Exhibit 1**.

2. This action is a civil action for a personal injury which resulted from an incident that occurred on or about April 20, 2023, in Charlotte, Mecklenburg County, North Carolina. *See Exhibit 1, Plaintiff's Complaint, Paragraph 1.*

3. Defendant received Service of Process in this action on or about November 22, 2024. A copy of the Notice of Service of Process is attached hereto as **Exhibit 2**.

4. On November 26, 2024, Defendant served its Request for Statement of Monetary Relief Sought to Plaintiff along with Defendant's First Request for Admissions to Plaintiff in order to determine the amount in controversy in this matter. A copy of Defendant's Request for Monetary Relief is attached as **Exhibit 3**; and Defendant's First Request for Admissions to Plaintiff is attached as **Exhibit 4**.

5. Defendant received Plaintiff's Response to Defendant's Request for Statement of Monetary Relief on December 19, 2024. Plaintiff responded that she is seeking "the limits of the insurance policy." A copy of Plaintiff's Response to Defendant's Request for Statement of Monetary Relief is attached hereto as **Exhibit 5**.

6. Prior to receiving Plaintiff's Response to Request for Statement of Monetary Relief, Defendant was unable to determine whether this matter was removable by the initial pleadings.

7. This Notice of Removal is timely pursuant to 28 U.S.C. 1446(b)(3) as Defendant is seeking removal within thirty (30) days of receiving an other paper, that paper being Plaintiff's Response to Request for Statement of Monetary Relief, which has made Defendant aware that Plaintiff is seeking more than \$75,000.00 ("policy limits").

8. Venue in the Western District of North Carolina, Charlotte Division, is proper under 28 U.S.C. § 1441(a) because this Court is the United States District Court for the district and division corresponding to the place where the State Court Action is pending. The State Court Action is subject to the original jurisdiction of this Court pursuant to 28 U.S.C. § 1332, as explained below, notwithstanding any arguments and/or objections to venue.

9. Defendant is informed and believed, based on the allegations contained in Plaintiff's Complaint, that Plaintiff is a citizen and resident of Mecklenburg County, North Carolina. **See Exhibit 1, Plaintiff's Complaint, Paragraph 3.**

10. Defendant is a corporation formed and existing under the laws of the State of Virginia with its principal place of business located in Chesapeake, Virginia. **See Virginia Secretary of State Report attached hereto as Exhibit 6.**

11. This Court has original jurisdiction to this action pursuant to 28 U.S.C. § 1332(a)(1) as this suit is between citizens of different states and the amount in controversy exceeds the sum of \$75,000.00.

12. In accordance with 28 U.S.C. 1446(a), true copies of all pleadings filed to date in this action by any party including **Plaintiff's Complaint attached hereto as Exhibit 1** and **Defendant's Answer attached hereto as Exhibit 7.** A copy of the Register of Actions Docket Sheet is attached hereto as **Exhibit 8.**

13. In accordance with 28 U.S.C. § 1446(d), Defendant will file a copy of this Notice of Removal with the Clerk of Superior Court for Mecklenburg County, North Carolina and will serve counsel for Plaintiff with same.

WHEREFORE, PREMISES CONSIDERED, the Defendant requests that this Court now REMOVE this Civil Action from the Superior Court of Mecklenburg County, North Carolina, and that further proceedings now be conducted in the United States District Court for the Western District of North Carolina, as provided for and consistent with the laws of the United States of America.

Respectfully submitted,

This **30th** day of December, 2024.

SEGAL MCCAMBRIDGE SINGER & MAHONEY, LTD.

/s/ Michael S. Litrenta

Michael S. Litrenta

North Carolina State Bar No.: 52506

100 Ashley Drive South, Suite 600

Tampa, FL 33602

Telephone: 954.765.1001

Direct: 262.880.9349

Fax: 954.765.1005

Primary Email: mlitrenta@smsm.com

Secondary Email: lsnyder@smsm.com

Counsel for Defendant Dollar Tree Stores, Inc.

CERTIFICATE OF SERVICE

This is to certify that on December 30th, 2024, I caused the foregoing **DEFENDANT'S NOTICE OF REMOVAL** to be e-filed and served through the Court's e-filing system and by electronic mail to all counsel of record address as follows:

Desmon L. Andrade
North Carolina State Bar No.: 52006
LAW OFFICES OF DESMON L. ANDRADE, PLLC
230 Donaldson Street, Suite 300B
Fayetteville, NC 28301
Telephone: 888.432.6529
Fax: 910.312.3626
Primary Email: desmon@26injurylaw.com
Secondary Email: zaraea@26injurylaw.com
Attorney for Plaintiff

SEGAL MCCAMBRIDGE SINGER & MAHONEY, LTD.

/s/ Michael S. Litrenta
Michael S. Litrenta
North Carolina State Bar No.: 52506
100 Ashley Drive South, Suite 600
Tampa, FL 33602
Telephone: 954.765.1001
Direct: 262.880.9349
Fax: 954.765.1005
Primary Email: mlitrenta@smsm.com
Secondary Email: lsnyder@smsm.com
Counsel for Defendant Dollar Tree Stores, Inc.